

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

2011 APR -5 AM 11:17

CLERK *B. Weir*
SO. DIST. OF GA.

KRISTOPHER THOMAS,

Plaintiff,

v.

JEFFERY DONALDSON,

Defendant.

CASE NO. CV411-026


O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 6), to which no objections have been filed. However, Plaintiff filed a motion in which he requests permission to "fully withdraw" his claims and "terminate this civil suit," citing inadequate legal aid due to his incarceration. (Doc. 8.) The Court is not inclined to grant this request. Judicial resources have already been expended to review Plaintiff's claims, and plaintiffs asserting claims in forma pauperis subject to the Prison Litigation Reform Act cannot be permitted to circumvent those requirements. See Hines v. Graham, 320 F. Supp. 2d 511, 529 (N.D. Tex. 2004) ("Plaintiff should not be permitted to contravene the PLRA by voluntarily dismissing this complaint to avoid accumulating his third strike."); Sumner v. Tucker, 9 F. Supp. 2d 641, 643 (E.D. Va. 1998) ("[W]hile [plaintiff] enjoys a right to voluntarily

dismiss the present action, that right is subject to the provisions of the Prison Litigation Reform Act"). Accordingly, Plaintiff's motion (Doc. 8) is **DENIED**.

After a careful de novo review, the Court concurs with the Magistrate Judge's Report and Recommendation. Accordingly, the Court **ADOPTS** the same as its opinion. The Clerk of Court is **DIRECTED** to close this case.

SO ORDERED this 5th day of April 2011.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA